

AMENDED IN SENATE APRIL 7, 2010

SENATE BILL

No. 1432

Introduced by Senator Hancock

February 19, 2010

An act to amend Section 17070.80 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1432, as amended, Hancock. School facilities.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. The Greene Act requires all school facilities purchased or newly constructed pursuant to the act for use, in whole or in part, by pupils who are individuals with exceptional needs, as defined, to be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both.

This bill would require, ~~in conjunction with an application for Greene Act funding, and~~ as a condition of receiving funds *approval by the State Department of Education* for the project, the school district to certify that it ~~consulted with the county office of education or special education local planning agency and that the project includes the necessary school facilities and supporting infrastructure for pupils who are individuals with exceptional needs~~ *the project includes the necessary classrooms, toilet rooms, and medical therapy facilities for pupils who are individuals with exceptional needs with due consideration for identifying and planning for the least restrictive environment that supports the*

education of these pupils or to certify and demonstrate that the project site has dedicated acreage of sufficient size and in an appropriate location to support the construction of classrooms, toilet rooms, and medical therapy units in the future by the district or the county office of education, unless the school district certifies that the district and the county office of education or special education local planning agency have no special education facilities needs.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17070.80 of the Education Code is
2 amended to read:
3 17070.80. (a) All school facilities purchased or newly
4 constructed pursuant to this chapter for use, in whole or in part,
5 by pupils who are individuals with exceptional needs, as defined
6 in Section 56026, shall be designed and located on the schoolsite
7 so as to maximize interaction between those individuals with
8 exceptional needs and other pupils as appropriate to the needs of
9 both.
10 (b) The governing board of each applicant school district and
11 the county office of education shall ensure that school facilities
12 for pupils who are individuals with exceptional needs are integrated
13 with other school facilities.
14 ~~(c) (1) In conjunction with an application of a school district~~
15 ~~for a construction or modernization project, and as a condition of~~
16 ~~the district receiving funds for the project, the school district shall~~
17 ~~do either of the following:~~
18 ~~(A) Certify that it consulted with the county office of education~~
19 ~~or special education local planning agency and that the project~~
20 ~~includes the necessary school facilities and supporting~~
21 ~~infrastructure for pupils who are individuals with exceptional~~
22 ~~needs.~~
23 (c) (1) *As a condition of approval of a project by the State*
24 *Department of Education, the applicant school district or county*
25 *office of education shall do either of the following:*
26 (A) *Certify that the project includes the necessary classrooms,*
27 *toilet rooms, and medical therapy facilities for pupils who are*
28 *individuals with exceptional needs with due consideration for*

1 *identifying and planning for the least restrictive environment that*
2 *supports the education of these pupils.*

3 (B) Certify and demonstrate that the project site has dedicated
4 acreage of sufficient size and in an appropriate location to support
5 the construction of classrooms, toilet rooms, and medical therapy
6 units in the future by the district or the county office of education.

7 (2) If the project does not include facilities and supporting
8 infrastructure for individuals with exceptional needs or the
9 dedicated acreage, the school district shall certify that the district
10 and the county office of education or special education local
11 planning agency have no special education facilities needs *for the*
12 *project.*

13 (d) The board, after consultation with the State Department of
14 Education and representatives from county offices of education,
15 special education services regions, and school districts, shall
16 develop and adopt any regulations necessary to implement this
17 section.

18 (e) Notwithstanding any other provision of law, the requirement
19 set forth in subdivision (a) may be waived, by the Superintendent,
20 only upon compliance with the following procedure:

21 (1) The applicant school district or county superintendent of
22 schools shall file a written request for waiver that documents the
23 reasons for its inability to comply with the requirement.

24 (2) The State Department of Education shall verify the reasons
25 set forth pursuant to paragraph (1), including the documentation
26 submitted, which verification shall be completed no later than 30
27 days after the filing of the request for waiver with the
28 Superintendent.

29 (3) The Advisory Commission on Special Education, as
30 established under Section 33590, at its first scheduled meeting
31 following the verification conducted pursuant to paragraph (2),
32 shall review the request for waiver, accompanying documentation,
33 and the verification findings of the State Department of Education.
34 No later than 15 days following the date of that meeting, the
35 commission shall submit its written comments and
36 recommendations regarding the request for waiver to the
37 Superintendent.

38 (4) The Superintendent shall review the comments and
39 recommendations submitted by the Advisory Commission on

- 1 Special Education prior to approving or rejecting the request for
- 2 waiver.
- 3 (5) Any request for waiver, submitted in accordance with this
- 4 section, that is not rejected within 60 days of its receipt by the
- 5 State Department of Education, shall be deemed approved.